



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 105<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, MONDAY, MAY 4, 1998

No. 53

## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Creator, Sustainer and Strength, You have given us the gift of life, blessed us with this new week, and given us work to do for Your glory. We admit our need for Your insight and inspiration. You never intended for us to depend solely on our own intellect and understanding. We humbly place our total dependence on Your power to maximize the use of the talents You have entrusted to us. Guide us, Lord. We accept Your absolute reign and rule in our minds.

Thank You for the peace of mind we have when we submit our needs to You. Source of our courage, we unreservedly commit to You our lives and the decisions to be made this week. We relinquish our control and intentionally ask You to take charge. Think and speak through us. Through our Lord and Savior. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

### SCHEDULE

Mr. LOTT. Mr. President, I want to say once again how much I appreciated the cooperation that I received from Senators on both sides of the aisle last week. I think last week was a very good week for the Senate. We completed the NATO enlargement debate, and I thought it was a good debate. I thought the Senate showed a great deal of seriousness and maturity in the way they handled the final phases and cast their votes on Thursday night.

We also completed action on the supplemental appropriations bill, which has gone to the President. That way, we will have the funds we need for the defense of our country and to assist with natural disasters that have hit any number of States over the past few months.

Also, on Friday, we did have debate on the workplace development bill—all debate except for the final 1 hour. All amendments were handled. I believe there were five or six amendments that had been pending. So Senator JEFFORDS, Senator DEWINE, and others did a good job getting that debate done on Friday. We will pick that bill back up at 4:30 on Tuesday. There will be 1 hour of debate, followed by final passage on the Workplace Development Act at 5:30 on Tuesday.

Following morning business this morning, the Senate will begin consideration then of H.R. 2676, the IRS reform and restructuring bill, for debate only. It is hoped that Members will come to the floor to offer opening statements and debate this very important piece of legislation.

### IRS REFORM

Mr. LOTT. Mr. President, as a member of the Finance Committee, once again, last week I found the hearings on IRS enlightening, in fact, horrifying. We had witness after witness come in and put their own jobs and reputations on the line—if they were IRS employees—to talk about the protection system of mismanagement and misconduct within IRS. We had small businessmen come forward and talk about businesses being raided—in one instance, I think by 64 gun-carrying IRS agents and U.S. marshals—when they had done nothing wrong. We heard great detail about the efforts that have been gone to by management to protect misconduct.

Finally, we heard of targeting of political officials or public officials for

audits or for, in one case, an effort to show that this person had been laundering money, and it was not true. Senator Howard Baker, the great former majority leader, came before the committee and told what he had experienced—by the way, even though he was under a lot of pressure not to do so.

We clearly have a culture of intimidation and misconduct at the IRS. It is not something that has just developed; it has been growing and getting worse for the past 15 years. We need serious IRS reform. The House-passed legislation made a major step in the right direction last year, but we have found a lot more abuses. We have come up with more things that need to be done to make the IRS genuinely representative of what the people expect them to be—that is, to do their job, which is not easy, and to protect the truly hard-working and honest IRS agents who are doing their jobs every day, some who came forward and pointed out where problems have been.

We have learned a lot and have come up with some good legislation. There will be some relevant amendments that will need to be offered and debated and voted on. I hope we can come to an agreement that will not allow this bill to become one that is attacked by poison pills or cause its delay or destruction. The American people want this IRS reform. I think to get off in a debate of unrelated issues—whether it is trade issues, many of which I may be for, or health issues, or whatever—would be a big mistake. We ought to have a good debate this Monday and Tuesday. We ought to complete this IRS debate by Wednesday or Thursday night, at the latest. We were able to get our job done last week. I hope we can do it again this week.

Now, in addition to those bills, on Thursday or Friday we may try to take up a couple of other issues. It will depend on how the debate goes. The agriculture research conference report is

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper containing 100% post consumer waste

S4143

something we might try to get up Thursday night or Friday, or not later than next Monday. We also have pending before us a number of other important bills, including the higher education legislation and nuclear waste. So there are a number of bills that are waiting.

Again, I ask for the cooperation of the Senators on both sides of the aisle to work with the chairman of the Finance Committee and ranking member to get an agreement on how we can proceed. Let's have a good debate, relevant amendments, and let's complete this job.

Even the President, who originally resisted IRS reform, on his radio show Saturday said what has been happening at IRS is outrageous and that we should act on this legislation and get it to him as quickly as possible. I hope we will move forward, now that we have him involved in this effort, and complete this important legislation.

Mr. President, I note that there are no Senators waiting to speak. I believe the managers of the legislation will be here at noon. From now until noon will be a period of morning business.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12 o'clock noon, at which time, under the previous order, the Senate will proceed, for debate only, to the consideration of H.R. 2676.

Under the previous order, the Senator from North Dakota is recognized at this time.

Mr. DORGAN. Mr. President, my understanding is the 30 minutes that I am able to use under a previous unanimous consent agreement will bump up against the 12 o'clock time. I ask unanimous consent that the 12 o'clock time be modified so I may use the entire 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is permitted to speak until 12:15 p.m.

#### ISTEA

Mr. DORGAN. Mr. President, I want to visit about a couple of things this morning. First, I want to talk about the highway bill that is in conference between the House and the Senate. It is now May 4, 1998. The highway bill, or a piece of legislation people commonly refer to as ISTEA (the Intermodal Surface Transportation Efficiency Act)

was supposed to have been completed last year, but it was not. The highway bill was extended until May 1, and then the authorization for the highway bill expired.

We are now on May 4 without highway legislation that is authorized, and the highway officials and Governors around the country are wondering, appropriately, what is going to happen to this highway bill? With what authority can I obligate money? What about the projects we have to do in our States to build roads and repair bridges?

I don't blame State and local highway officials and others who are rightly furious with the Congress that it has not gotten its work done. It is a shame, in my judgment, that almost a year after the legislation should have been done, not only was the legislation not done, but we have already had an extension and that has expired. Now, here we are with no highway bill at all.

I ask those who run this Congress and those who are convening the conference on the highway bill, let's decide to get this thing done. This isn't rocket science; it is building highways. We know how to do that. If the political will doesn't exist to do what is necessary to reach a compromise on a highway bill, then I suppose that those who run the Congress should say to the Governors and the highway commissioners, "We can't be counted upon to do this work."

I hope in the coming days people will understand the urgency of this. I come from the State of North Dakota, and we have a relatively short construction season. It is not fair to our States for this Congress not to do its work on time. We should do it, it ought to be done, and it ought to be done soon.

#### TOBACCO LEGISLATION

Mr. DORGAN. Mr. President, I came to the floor today to talk for just a moment about the tobacco legislation that is to be brought to the floor of the Senate. My understanding is that we will consider, in the next perhaps month, the tobacco legislation that was enacted by the Senate Commerce Committee, of which I am a member.

The Senate Commerce Committee considered a comprehensive tobacco bill. We passed it, and the vote was 19 to 1. The legislation is controversial, to be sure, and the tobacco industry has now ratcheted up an enormous amount of money and energy directed at trying to kill the bill.

I thought it would be interesting to read into the RECORD a few comments here and there dealing with the tobacco companies and why they are so interested in killing this tobacco legislation. We will see an enormous amount of money spent on advertising to try to kill this legislation.

My colleague, Senator CONRAD from North Dakota, chaired a task force on the issue of tobacco and created a piece of legislation. He has done a wonderful job, in my judgment, dealing this with

issue, and the Senate could well take its cues from the work Senator CONRAD has done. Incidentally, the Senate Commerce Committee took much from the legislation Senator CONRAD introduced in the Congress.

The reason we are concerned about the tobacco issue is the targeting of teenagers in this country to get them to smoke. I have said before on the floor that almost no one reaches age 30 and wonders, "What more could I do to fulfill my life?" and decides they should start smoking. Almost no one reaches majority age and says, "Gee, what am I missing?" and concludes what they have really missed is, they have not smoked and they need to start smoking cigarettes. The reason they don't arrive at that answer is that by that age, they know that cigarettes can kill you.

Mr. President, 300,000 to 400,000 people a year die in this country from smoking and smoking-related causes, and the only future customers for tobacco are kids. The only conceivable future customers for cigarettes are children, and that is why many in this country, myself included, believe it is important for us to say to the tobacco industry, "Never again shall you target America's children to addict them to tobacco, addict them to nicotine. We won't allow it." That is what the tobacco legislation is all about.

What did the tobacco companies know, and when did they know it about the subject of nicotine? We are now hearing a lot of testimony and discussion about that. Tobacco companies have been at the forefront of nicotine research in the last several decades. In fact, the tobacco companies, since the early 1960s, claimed that nicotine was not addictive and anyone who smokes makes a free choice to smoke.

By the 1960s, however, all of the reports we are now seeing, including confidential memoranda and data from a tobacco company, showed us they had developed a very sophisticated understanding of nicotine pharmacology and they knew very well that nicotine was pharmacologically addictive. The release of internal tobacco company documents makes it clear. They realize the impact and significance of nicotine.

In 1963, a British American Tobacco document said:

Nicotine is by far the most characteristic single constituent in tobacco, and the known physiological effects are positively correlated with smoker response.

In 1969, a draft report to the Philip Morris board of directors said:

In the past, we at R&D—that is research and development—have said that we're not in the cigarette business, we're in the smoke business. It might be more pointed to observe that the cigarette is the vehicle of smoke, smoke is the vehicle of nicotine and nicotine is the agent of a pleasurable body response.

In a memo from 1978, Brown & Williamson, signed by H.D. Steele says:

Very few consumers are aware of the effects of nicotine, i.e., its addictive nature and that nicotine is a poison.